

CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS ROAD
P.O. BOX 2005
TARRYTOWN, NEW YORK 10591-9005
Telephone number (914)785-2000
Telefax number (914)785-7102

RECEIVED
CENTRAL FILE CENTER
OCT 02 2006

TOTAL PAGES 4 **(INCLUDING COVER PAGE)**

DATE: October 2, 2006

TO: Examiner Nathan M. Nutter

COMPANY: USPTO

LOCATION: Group Art 1712

FAX NUMBER: 571-273-8300

FROM: Shiela A. Loggins

LOCATION: TARRYTOWN, N.Y.

COMMENTS: RE: Anders Lassus et. al. Application No. 10/628,481

CASE PR/3-23134/A/RAI 34/CONT/DIV

CERTIFICATION OF FACSIMILE TRANSMISSION	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.	
<u>Shiela A LOGGINS</u> Type or print name of person signing certification	
<u>Shiela A Loggins</u> Signature	<u>Oct 2, 2006</u> Date

RECEIVED
CENTRAL FAX CENTER
OCT 02 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Group Art Unit: 1711

TOMI KIMPIMAKI ET AL.

Examiner: NATHAN M. NUTTER

APPLICATION NO: 10/628,481

FILED: JULY 29, 2003

FOR: METHOD OF MAKING A SURFACE SIZE
COMPOSITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Sir:

The Applicants wish to thank the Examiner for the telephonic interview on October 2nd, 2006 concerning the above application.

The October 2nd interview with the Examiner centered around the calculations for the dry weight ratios for the pigment fraction to size fraction. See Applicants calculations as of September 8th, 2006, pages 12 and 13 in relation to Aho.

The Examiner agreed during the telephone interview that the Applicants calculations were correct. In light of this agreement, the Examiner asked the Applicants to submit an interview summary and based on the summary and review of the calculations, the Examiner would reconsider his response.

Double Patenting Rejection

The Applicants submitted in the last Office Action a terminal disclaimer to overcome the provisional obviousness double patenting rejection concerning application Serial No. 10.508,349. Thus the rejection was overcome.

However, the Applicants argued that the obviousness double patenting rejection concerning US 6,545,079 was inappropriate. The Examiner maintained his double patenting rejection based on US 6,545, 079 in the Advisory Action of September 27, 2006. As the Examiner stated under Cont. 11" the method of the patent 6,545,079 and claimed herein are drawn to essentially the same concept but with different subsequent characterization..... **They are the same coating** but with different characterizations thereof."

However, the Applicants reiterate that the coatings are in fact not the same. See page 11 and 12 of the reply sent on September 8, 2006. US '079 requires a slurry of water, at least one wax-free polymer dispersion, talc particles of high purity, anti-foam agent and sodium hydroxide.

The present claims require a pigment fraction (talc particles with binder) and a sizing fraction comprised of a **water-soluble principle component**.

There is no mention in US '079 claims about a water-soluble principle component. Thus only part of the present composition is described in US '079. Thus the Applicants believe the double patenting rejection to be improper.

Reconsideration and withdrawal of the rejection of claims 17-19, 21-44, 46 and 72-74 is respectfully solicited in light of the remarks above.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-7127
SAL/23134FR.doc